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Letter dated 28 November 2018 from the Secretary-General addressed to the President of the Security Council

Pursuant to the request of the Security Council in its resolution 2409 (2018), I have the honour to submit the 30-day update, covering the period from 27 October to 26 November 2018, on political and technical progress towards the holding of elections in the Democratic Republic of the Congo on 23 December 2018 and on obstacles to the implementation of the political agreement of 31 December 2016 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) António **Guterres**

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Annex

Update of the Secretary-General on progress in the electoral process and the implementation of the political agreement of 31 December 2016 in the Democratic Republic of the Congo, 26 November 2018

1. The present update, which covers developments from 27 October to 26 November 2018, is submitted pursuant to resolution 2409 (2018), in which the Security Council requested the Secretary-General to provide a written update every 30 days on political and technical progress towards the holding of elections in the Democratic Republic of the Congo on 23 December 2018 and on obstacles to the implementation of the political agreement of 31 December 2016.

I. Key political developments related to the electoral process and the implementation of the political agreement

2. Political developments were characterized by continued progress in electoral preparations.

3. The Front commun pour le Congo platform held a major rally in Kinshasa on 27 October to present its presidential candidate, Emmanuel Ramazani Shadary. On 3 November, the Front commun pour le Congo presented its campaign team, comprising several political, cultural, sports and religious figures, including the current Prime Minister, Bruno Tshibala, the Vice Prime Minister in charge of the Interior and Security, Henri Mova Sakanyi, and the Minister of Communication and Media and Spokesperson of the Government, Lambert Mende. On 14 November, nine presidential candidates and leaders of the opposition, including Adolphe Muzito, Jean-Pierre Bemba, Marie-Josée Ifoku, Martin Fayulu and Moïse Katumbi, signed a joint declaration petitioning the Independent National Electoral Commission to invalidate the presidential candidacy of Mr. Ramazani Shadary as the candidate of the Front commun pour le Congo platform for the alleged misuse of State resources in support of the platform. Senior members of the ruling majority rejected the allegations, noting that the resources of the Front commun pour le Congo were drawn from political parties and individuals supporting the platform.

4. The opposition pursued its efforts to agree on a common position on the use of voting machines and on the voter register, and to rally behind a single presidential candidate. In a joint statement of 2 November, 13 prominent members of the opposition, including Freddy Matungulu, Marie-Josée Ifoku, Martin Fayulu, Théodore Ngoy, Vital Kamerhe and other presidential candidates, reiterated their calls upon the Independent National Electoral Commission to reconsider the decision on the use of voting machines and to review the voter register. However, divergences emerged between opposition parties regarding the use of voting machines, with the Union pour la démocratie et le progrès social stating its intention to take part in the elections "with or without the voting machines" to avoid further delays in holding the elections. The Union pour la démocratie et le progrès social also did not participate in demonstrations against the use of voting machines and regarding the voter register that were organized across the country on 26 October. In response, Olivier Kamitatu, the Chief of Staff under Moïse Katumbi of the Ensemble pour le changement platform, and other key opposition figures urged opposition parties to refrain from actions that could "break the unity of the political opposition".

5. Against this background, on 11 November, in Geneva, opposition leaders Adolphe Muzito, Félix Tshisekedi, Freddy Matungulu, Jean-Pierre Bemba, Martin

Fayulu, Moïse Katumbi and Vital Kamerhe signed an agreement forming a new coalition named "Lamuka". The coalition issued a declaration designating Martin Fayulu as its common presidential candidate and affirming its intention to participate in the 23 December elections, while rejecting the use of voting machines, demanding a purge of the voter register and the implementation of confidence-building measures for transparent, inclusive, credible and peaceful elections. On 12 November, however, Mr. Tshisekedi and Mr. Kamerhe, citing the discontent expressed by their respective political parties at the choice of Mr. Fayulu as the common candidate, pulled out of the agreement. Mr. Fayulu returned to Kinshasa on 21 November and was welcomed by hundreds of the coalition's supporters. Meanwhile, civil society and faith-based organizations continued to play an active role in the electoral process and used their positions to promote consensus. Following a joint statement on 30 October by civil society organizations, on 6 November the Comité laïc de coordination called for a consensus to overcome the persistent divergences over the electoral process. The message was echoed by the new Archbishop of Kinshasa, Fridolin Ambongo, who opined that the use of the voting machines "should not block the electoral process" and called for tripartite consultations between the opposition, the presidential majority and the Independent National Electoral Commission to find a compromise. There was no meeting between the 21 presidential candidates and the Commission during the reporting period. Meanwhile, on 22 November, the 41-member Catholic Bishops Conference concluded its three-day extraordinary plenary assembly in Kinshasa by issuing a message, signed by the 41 archbishops and bishops, in which it noted the determination of the Commission to organize the combined presidential, national legislative and provincial elections on 23 December 2018 and urged the Congolese people to use the occasion to exercise their sovereign right as masters of their destiny to choose leadership capable of addressing their well-being.

6. On 22 November, the official one-month electoral campaign period started in the Democratic Republic of the Congo. The campaign will end on 21 December 2018. The President of the Democratic Republic of the Congo, Joseph Kabila, launched the campaign of Emmanuel Ramazani Shadary, presidential candidate of the Front commun pour le Congo, at President Kabila's private farm in Kingakati, near Kinshasa. The event was attended by key members of the Front commun pour le Congo platform. Similarly, the platform's electoral campaign activities reportedly started in Bukavu (South Kivu), Kalemie (Tanganyika), Lubumbashi (Haut-Katanga), Kolwezi (Lualaba), Goma (North Kivu) and Kisangani (Tshopo). At the same time, a low-key launch of the opposition's campaign was noted across the country. On 23 November, in Nairobi, the leaders of the Union pour la démocratie et le progrès social and the Union pour la nation congolaise, Felix Tshisekedi and Vital Kamerhe, announced that they had agreed on a coalition to take part in the coming elections, with Mr. Tshisekedi as the presidential flag-bearer. They further announced that they would be returning to Kinshasa on 27 November.

II. Key electoral developments related to the implementation of the political agreement

A. Electoral developments

7. Preparations for the 23 December 2018 elections continued to achieve major milestones. On 31 October, President Kabila chaired a meeting attended by senior Government officials, the President of the Independent National Electoral Commission, Corneille Nangaa, and my Special Representative, Leila Zerrougui, to review progress in the electoral process. At the meeting, the Government announced that $322.2 million of the $432 million budgeted for elections, had been disbursed to

the Commission. On the same day, the Minister of Communication and Media and Spokesperson of the Government, Lambert Mende, inaugurated a new radio station operated by the Commission to raise awareness of the electoral process.

8. On 29 October, at ceremonies held in Kinshasa, the Vice Prime Minister and Minister of the Interior and Security, Henri Mova Sakanyi, announced the handover of 150 trucks, 171 pickups, 20 aircraft and 1,800 motorcycles to the President of the Independent National Electoral Commission for the distribution of electoral materials throughout the country. According to the Commission, as at 12 November, most of the electoral materials and 38 per cent of the 105,257 expected voting machines were in the country, with the remainder of the voting machines having arrived at the ports of Mombasa, Kenya, and Dar es Salaam, United Republic of Tanzania.

9. During the reporting period, the Independent National Electoral Commission continued to train up to 500,000 electoral staff for the conduct of the polls at the 75,563 polling stations. The Commission also intensified civic and voter education and held outreach events on the use of the voting machines. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) supported the work of the Commission to ensure that most recommendations made by the Westminster Foundation for Democracy regarding the use of voting machines were implemented and helped to identify alternative measures when needed. The Commission stated that 15 out of 18 recommendations had been implemented and that the outstanding recommendations were being addressed. On 21 November, the President of the Commission disclosed that, as at that date, the Commission had deployed 70 per cent of electoral kits and materials to their final destinations and that the remaining 30 per cent would reach their destinations by 7 December 2018 at the latest.

10. Regarding the security arrangements for presidential candidates, the Congolese National Police announced on 2 November that 25 agents would be allocated to each of the 21 presidential candidates for their protection, as stipulated by the electoral law.

11. In the meantime, the United Nations police continued to provide training and refresher training sessions for agents of the Congolese National Police throughout the country. As at 9 November, 2,163 police officers, including 281 women, had attended those sessions. The United Nations police also conducted sensitization activities on the role of security forces during elections, targeting 675 police officers, including 51 women. At the same time, the MONUSCO force carried out tabletop exercises in collaboration with the Armed Forces of the Democratic Republic of the Congo.

12. National civil society organizations announced plans to deploy tens of thousands of long- and short-term observers to enhance the transparency and credibility of the process. The Southern African Development Community (SADC) also indicated that it would send an electoral observation mission, which is expected to arrive in early December. Meanwhile, on 8 November, the Independent National Electoral Commission began the accreditation process for witnesses of political parties, electoral observers and journalists.

13. On 3 November, an SADC Electoral Advisory Council mission travelled to Kinshasa, where it met with representatives of the Independent National Electoral Commission, the National Council for Monitoring the Agreement and the Electoral Process and the Government, including with President Kabila and the Vice Prime Minister and Minister for Foreign Affairs, Léonard She Okitundu, who gave assurances that the polls would be held in conformity with international standards and SADC principles. The African Union also received an official invitation from the Commission to dispatch electoral observers.

14. In view of the Ebola outbreak and related concerns, the Ministry of Health and the Independent National Electoral Commission are implementing measures to ensure that elections can take place in the affected areas.

B. Restrictions on political space and violence related to the implementation of the political agreement in the electoral context

15. On 26 October, nationwide demonstrations were organized by opposition parties to protest the use of voting machines and voter registration. The demonstrations passed peacefully, but at least 51 people, including at least 5 women, were arrested and subsequently released. Demonstrations were held in nine cities, including Kinshasa and Goma, but they were banned by the authorities in seven others, mainly for security reasons or as a result of the general ban on demonstrations.

16. New instances of restrictions of democratic space were documented, including with regard to the freedoms of expression and peaceful assembly, while authorizations for legitimate political activities continued to be granted selectively. Among other locations, restrictions of democratic space were noted in Haut-Katanga province, where members of the Union nationale des fédéralistes du Congo opposition party were arbitrarily arrested by agents of the Congolese National Police on 2 November while returning from a political meeting. On 13 November, in Kinshasa, 10 activists of the Mouvement Lumumbiste Progressiste political party were beaten and arbitrarily arrested by elements of the Republican Guard. On 18 November, 17 members of the Vigilance citoyenne citizens' movement were released on bail following their arrest on 1 November by agents of the Congolese National Police during a sensitization campaign on the monitoring of the electoral process. They were later transferred to the central prison of Makala, in Kinshasa, and charged with incitement to civil disobedience.

C. Confidence-building measures

17. There was no meaningful progress in the implementation of the confidence-building measures envisaged in the political agreement of 31 December 2016. In a communiqué dated 30 October, the Association congolaise pour l'accès à la justice and other stakeholders deplored the non-implementation of the political agreement and called for the release of political prisoners, including emblematic cases. In a related development, on 7 November, the new Archbishop of Kinshasa, Fridolin Ambongo, observed that no progress had been made in the emblematic cases, including those of Eugène Diomi Ndongala and Jean-Claude Muyambo. The Government, however, continued to claim that no political prisoners remained in custody and asserted that some political actors were serving sentences for crimes for which they had been convicted. According to the United Nations Joint Human Rights Office, at least 130 political prisoners remained in detention, including civil society activists and human rights defenders. On 3 November, the Minister of Communication and Media and Spokesperson of the Government stated that none of the prisoners in the emblematic cases would be released, as they are not referred to in the political agreement of 31 December 2016. On 21 November, the National Council for Monitoring the Agreement and the Electoral Process issued a statement in which it, inter alia, urged the Government to pursue efforts to fully implement the confidence-building measures provided for in the political agreement, including what it referred to as political prisoners, prisoners of opinion and amnestied prisoners, as well as members of citizens' movements. The statement also called on the Conseil Supérieur de l'Audiovisuel et de la Communication to ensure equal access to public media by presidential candidates. Despite assurances made by the Independent

National Electoral Commission in early October to engage relevant authorities in ensuring equal coverage of all candidates on public television, such steps have yet to take place.

III. Good offices efforts for the implementation of the political agreement

18. In pursuit of her good offices mandate, my Special Representative met President Kabila and travelled to Zambia in early November to meet President Lungu in his capacity as current Chair of the SADC Organ on Politics, Defence and Security. Discussions revolved around the security situation in the current electoral context and other issues of common interest. In the same vein, she pursued consultations with key presidential candidates, met the African Union Commissioner for Peace and Security, Smaïl Chergui, who visited the Democratic Republic of the Congo from 8 to 10 November, and discussed the forthcoming deployment of electoral observers with the SADC Electoral Advisory Council. Representatives of MONUSCO also met the Ministers of Justice and Human Rights to advocate the implementation of confidence-building measures.

IV. Observations

19. I welcome the continuing progress in the implementation of the electoral calendar and the constructive engagement of all national stakeholders in the process. I note that, in the majority of cases, the opposition political parties have been able to hold activities in major cities in a peaceful manner. I welcome this opening of political space as well as the professional conduct of the security services and urge the continuation of such progress.

20. In a similar vein, I welcome the preparations made by national and international partners to observe the electoral process. I am encouraged by the commitment of national actors to deploy observers throughout the country, and I am pleased to note the related engagement of SADC and the African Union. I call on the authorities to facilitate the prompt deployment of all observation missions with a view to enhancing the transparency of the process.

21. However, authorizations for legitimate political activities continue to be granted on a selective basis, and instances of intimidation of political activists, journalists and human rights defenders persist. I thus reiterate my call on the national authorities to uphold the rights of the population of the Democratic Republic of the Congo to exercise their freedoms of expression and peaceful assembly in line with the Constitution and existing legislation. Similarly, I urge the authorities to enable access to public media for all political actors, with a view to creating a conducive environment for credible and peaceful elections.

22. I also remain concerned by the level of distrust expressed by civil society and opposition actors with regard to key elements of the electoral process, notably in relation to the voting machines and the voter register, and regret that the technical consultations between the Independent National Electoral Commission and presidential candidates have not advanced. I firmly believe that common ground can be found through dialogue and urge all national stakeholders to put partisan interests aside and work towards promoting consensus. Specifically, I call upon the Commission to take further action with a view to dispelling doubts about the integrity of the polling and results tabulation processes.

23. As the electoral process reaches its critical final phase and the electoral campaigns have commenced, trust in the fairness and credibility of the process is a key prerequisite for the acceptance of the results by political actors, civil society and the public. A contested election outcome could undermine the trajectory of the Democratic Republic of the Congo in consolidating peace and democratic governance and carry significant regional ramifications. There is still scope for meaningful action to build confidence in line with the provisions of the political agreement of 31 December 2016, which would contribute significantly to the credibility of elections and thereby reduce the potential for post-electoral violence. Positive steps in this direction would require sufficient political space for the unfolding of election campaigns, equal access to media for all candidates and a consistent application of measures to permit the peaceful political demonstrations that have taken place in many key cities to continue throughout the country.

24. I call upon national stakeholders to seize this opportunity to bring the process to a fruitful conclusion in line with the genuine aspirations of the people of the Democratic Republic of the Congo to choose their leaders in credible, transparent and peaceful elections, culminating in a peaceful and democratic transfer of power. I encourage regional and international actors to continue to support the political and electoral process in the Democratic Republic of the Congo and to remain engaged in the post-electoral period. I reiterate the readiness of the United Nations to provide technical and logistical support to the organization of the polls and to accompany the people of the country at this historic juncture.